

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MIGUEL MORALES,)
)
Plaintiff,)
vs.)
)
CITY OF CHICAGO,)
a municipal corporation,)
OFFICER KEVIN DOYLE, Star # 10677,)
in his individual capacity,)
)
)
Defendants.)

COMPLAINT

Jurisdiction/Venue

1. This incident occurred on February 3, 2008, in the City of Chicago, County of Cook, Illinois.
2. The jurisdiction of this court is invoked pursuant to the Civil Rights Act, 42 U.S.C. § 1983, § 1988, the judicial code 28 U.S.C. § 1331 and § 1343 (a); and the Constitution of the United States.

Parties

3. At all relevant times pertaining to this occurrence, Plaintiff was a resident of Chicago, Cook County, Illinois.
4. At the time of the occurrence, Defendant City of Chicago was a municipal corporation, and the principal employer of Defendant Kevin Doyle, who was acting under color of law and in the course and scope of his employment with the City of Chicago as a police officer.

Facts

5. On or about February 3, 2008, the Plaintiff was in the vicinity of 658 W. Belden Avenue, Chicago, Illinois.
6. Then and there, Defendant Doyle stopped, seized, searched and arrested the Plaintiff for the alleged battery of James Lisenby.
7. During the arrest Defendant Doyle willfully caused bodily harm to the Plaintiff, without any legal justification.
8. Defendant Doyle did not have a reasonable basis for using any force, much less the amount of force used against the Plaintiff.
9. As the proximate result of all the aforementioned actions by Defendant Doyle, the Plaintiff suffered bodily injury, pain and suffering and medical expenses.
10. Thereafter, Plaintiff was charged two misdemeanor offenses, which were terminated in the Plaintiff's favor on February 21, 2008, in a manner consistent with the innocence of the Plaintiff.

COUNT I – 42 U.S.C. § 1983 Excessive Force

(Plaintiff v Defendant Doyle)

11. Plaintiff re-alleges all prior allegations.
12. The actions of Defendant Doyle in physically abusing and otherwise using unreasonable and unjustifiable force against the Plaintiff, violated Plaintiff's rights under the Fourth Amendment to the United States Constitution, incorporated to the states and municipalities through the Fourteenth Amendment, to be secure in his person, papers and effects against unreasonable searches and seizures and thus violated 42 U.S.C. § 1983.
13. As the proximate result of all of the aforementioned actions by Defendant Doyle the

Plaintiff suffered bodily injury, pain and suffering, psychological damage and medical expenses.

WHEREFORE, pursuant to 42 U.S.C. § 1983 and § 1988, Plaintiff demands compensatory damages against Defendant Doyle and because Defendant acted maliciously, wantonly or oppressively, substantial punitive damages, plus the costs of this action, plus attorneys' fees and other and additional relief as this Court deems equitable and just.

COUNT II – Illinois State Law Claim of Indemnification under 745 ILCS 10/9-102

(Plaintiff v. City of Chicago)

14. Plaintiff re-alleges what has been previously alleged in this Complaint.

15. Defendant City of Chicago is the indemnifying entity for the actions described above, of Defendant Doyle, who took his actions while acting under the color of law and in the course and scope of his employment with the City of Chicago.

WHEREFORE, should Defendant Doyle be found liable on one or more of the claims set forth above, Plaintiff demands that Defendant City of Chicago be found liable for any judgment (other than punitive damages) he obtains thereon.

PLAINTIFF DEMANDS TRIAL BY JURY.

Respectfully submitted,

/s/ Benjamin Netzky

By: _____

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